

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-34452-2019

Date of Decision : November 22, 2019

Bispati

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Harpreet Dadiwal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.473 dated 1.12.2018 under Sections 306/34 IPC registered at Police Station Sadar Fatehabad, District Fatehabad.

Counsel for the petitioner submits submits that as per the allegations in FIR, registered at the instance of one Chhotu Ram, his son Rajesh Kumar aged about 30 years, who was married and having two daughters, namely, Kalpana and Sapna. On 11.11.2018, the grand daughter of the complainant had gone out of the village for their tuition classes and when they were returning home, the dog of the neighbour-Ved Parkash started barking on his grand daughter-Kalpana and when she tried to save herself, Ved Parkash came out and slapped Sapna and she started crying. Thereafter, his wife

Santosh came out of the house and asked him why he has slapped Sapna. Thereafter, the petitioner came out of the house and started threatening her.

It is further submitted that the complainant was in his fields and his son Rajesh was doing a job in BSNL and was on duty.

Counsel for the petitioner further submits that, thereafter, the petitioner and her husband Ved Parkash got an FIR registered against the complainant, his son Rajesh, his wife Santosh and one neighbour Sajjan Kumar and for this purpose Panchayat was also convened.

On 21.11.2018, he found that his son Rajesh was vomiting and froth was coming out from his mouth, later on, he became unconscious and taken to hospital. The FIR was registered with an allegation that Rajesh has committed suicide by consuming some poisoness substance. Counsel for the petitioner further submits that, later on, the police recovered a suicide note in which the petitioner was named.

Counsel for the petitioner submits that the petitioner is in custody since 3.12.2018 and the case is still at the stage of recording of prosecution evidence. Counsel for the petitioner further submits that, in fact, the FIR has been registered as a counterblast to the earlier FIR registered by the petitioner against the complainant party.

Learned State counsel, on instructions from SI Ram Kumar has not disputed the fact that the suicide note was never sent to the FSL for comparison of the handwriting of the deceased. However, it is further stated that the FIR which was registered by the present petitioner against the complainant, upon investigation was cancelled.

Without commenting anything on the merits of the case, considering the submissions made by counsel for the petitioner and also the fact that the petitioner is in custody since 3.12.2018 and the case is still at the stage of recording of the evidence and there is no FSL report on the record, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

November 22, 2019
satish

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO